UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,668	12/31/2001	Christopher J. Edge	10316US01 (EKC 90096)	9447

1333   7590   09/21/2007
EASTMAN KODAK COMPANY
PATENT LEGAL STAFF
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER
KUMAR, SRILAKSHMI K

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
09/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	**Applicant(s)**
Office Action Summary	10/039,668	EDGE, CHRISTOPHER J.
	Examiner	**Art Unit**	
	Srilakshmi K. Kumar	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>BPAI Decision, 3/20/2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-74</u> is/are pending in the application.

    4a) Of the above claim(s) <u>41,42,44,51-53 and 69-72</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-40,43,45-50,54-68,73 and 74</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Summary of Board of Appeals Decision

The following office action is in response to the Board of Patent Appeals and Interferences decision rendered on March 20, 2007. The BPAI reversed the examiner with respect to claims 1-40, 43, 45-50, 54-68, 73 and 74.

The rejections of claims 41, 42, 44, 51-53 and 69-72 have been sustained by the BPAI. Prosecution on these claims is therefore closed.

The following office action rejects claims 1-40, 43, 45-50, 54-68, 73 and 74 using some of the previously cited prior art. The BPAI reversed the examiner with respect to claims based on the limitation of viewing conditions subject to satisfaction (see BPAI Decision, rendered March 20, 2007, pages 4-6). Specifically, the BPAI indicated stated

> The rejection of claim 1 does not identify what may be considered a "view condition" for an image in the cited portions of Holub. Since we are not told what the rejection of claim 1 considers to be a "view condition" in the reference, we cannot attempt to discern where the cited sections might describe display of an image subject to satisfaction of the viewing condition.
> Absent a convincing explanation from the Examiner as to how claim 1 is met by the relied-upon portions of the reference, we are constrained to agree with Appellant to the extent that the rejection fails to show prima facie anticipation of the subject matter of the claim.

As such, this office action will include a clearer explanation of how the prior art is being interpreted to teach the recited viewing conditions, and how this limitation is met by the prior art.

Response to Arguments

The appellant has argued regarding claim 1 that the Holub patent does not teach or suggest that viewing conditions have an association with the image. The examiner disagrees. The claim is broadly written to specifically recite "viewing conditions for an image", these viewing conditions being specified by a computer from which the image is received. Since the image cannot be viewed unless and until it is sent by the computer, the computer specifies a viewing condition of an image by merely sending the image. The appellant states, "In contrast to the Appellant's invention, if the system of Holub is turned on and functioning properly, the given image will be displayed" (Appeal brief, page 11, last paragraph). These conditions in themselves are "viewing conditions" under which an image is viewed, since in a proper functioning Holub system the computer is sending an image and it is being viewed on a display, and apart from the system being turned on and functioning properly an image would not be displayed. Therefore when an image is being viewed it is viewed subject to satisfaction of these viewing conditions.

The Holub reference teaches additional viewing conditions as well, as will be set forth in this Office action.

The appellant argues that by reciting that the viewing station "displays the image subject to satisfaction of the viewing conditions" the claim requires that some verification be performed that the viewing conditions have been satisfied, requiring some sort of determination of whether the viewing conditions have in fact has been made. Although the Holub reference does in fact teach calibration that is verified as a viewing condition for images viewed on a display (as set

forth herein), the applicant's argument is narrower that the claim language requires. Being "subject to satisfaction" clearly only requires that the condition be met. When a display is brought into a "calibrated" condition for the viewing of images thereon, the images are clearly viewed on a calibrated display as opposed to being viewed on a display that is not calibrated. Images will clearly appear (and therefore be viewed) differently on an uncalibrated display than on a calibrated display. Furthermore, there is no specific recitation of any "verification" or "determination" that is required for satisfying a viewing condition.

The appellant argues that Holub lacks any suggestion of calibration information that is specifically specified for an image itself, not a proof of the image. However, there is no recitation of "proof of an image". Furthermore Holub's Proofing System (100) includes a display (17) which is a "proofing" device (col. 12, lines 26-27).

The appellant argues that the calibration in Holub is particular to the rendering device, but not particular to individual images or image folders. However, since any image that is displayed is displayed on a display that is part of the rendering device, the way that any particular image or image folder is displayed (the condition under which it is viewed) depends on the calibration state of the rendering device that is displaying it.

The remainders of the Appellants arguments are deemed to be moot in view of the new grounds of rejections applied herein.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent

Subject Matter Eligibility" (Official Gazette Notice of 22 November 2005), Annex IV, reads as

follows:

> Claims that recite nothing but the physical characteristics of a form of energy, such as frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

> ... a signal does not fall within one of the four statutory classes of Sec. 101.

> ...signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.

2.   Claims 21-26, 27-31, 32-37 and 43 rejected under 35 U.S.C. 101 because the claimed

"computer readable medium" has been defined in the spec (page 19) as being downloadable over

a network connection. As such, the claimed "computer readable medium" is a carrier wave, i.e.

signal.

Thus, treating claim 21 as a whole, it is claiming "signal" per se. Per 101 Interim

Guideline (11/22/05), a claim reciting a signal does not fall within any of the categories of

patentable subject matter set forth in 35 USC 101. Thus, claim 21 is non-statutory.

Claims 22-37 and 43 are rejected for the same reason as set forth in claim 21.

Further, data structure is defined as "a physical or logical relationship among data

elements, designed to support specific data manipulation functions (The New IEEE Standard

Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).

Considering claims 32-37, the claimed "image file that includes image data and viewing

conditions for the image file" is considered to be "non-functional descriptive material", i.e. mere

compilations of data without any functional interrelationship among data elements. Merely

claiming non-functional descriptive material stored in a computer readable medium is non-

statutory. Thus, Claims 32-37 are non-statutory for this reason also.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 21-26 and 36 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

In reference to claim 21 (and its dependent claims, 22-26), it is not clear how a "computer

readable medium carrying program code" would be able to perform the receiving operation

required by the claim. A computer readable medium itself is not able to receive an image since it

has no image receiving capability in itself. For examination purposes, it is assumed that the

intention of the claim is to recite that it is the viewing station that receives an image in response

to the execution of program code carried on a computer readable medium.

5.   In reference to claim 36, the claim appears to be self-contradictory, and contradictory to

claim 32 from which it depends. It recites that access to image data is <u>restricted</u> when enabling

data <u>enables</u> the viewing conditions, and that access to the image data is <u>not restricted</u> when

enabling data <u>disables</u> the viewing conditions. This seems to be the opposite of what is intended

and appears to be a typographical error in the use of the words "enables" and "disables". For

examination purposes it is assumed that the intended recitation is that of restricting access when

viewing conditions are disabled and not restricting access when viewing conditions are enabled.

Please clarify.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

7.   Claims 1, 2, 8-12, 18-21, 26-29, 45-48, 55-64, 67 and 68 are rejected under 35

U.S.C. 102(e) as being anticipated by Holub (U.S. Patent No. 6,750,992).

In reference to claims 1 and 19, Holub teaches a computer that specifies one or more

viewing conditions for an image and sends those viewing conditions to a display at a viewing

station.

The claim limitations, as broadly written, are disclosed in Holub by merely sending an image from the computer to the display.

In addition, in column 13, lines 24-56 Holub teaches that Virtual Proofing system (100) has a computer that "issues rendering instructions to a rendering device" (lines 38-39). The rendering device includes a display (column 12, lines 26-29). The rendering instructions sent to the display are clearly viewing conditions present at the display because the images that are viewed at the display are presented in conformity to the instructions for rendering the image.

Also, in column 13, lines 48-50, Holub teaches that the computer "implements calibration" of the rendering device, specifically the display (column 19, lines 19-27, 31-32 and column 20, lines 28-34). This also constitutes a viewing condition because the way in which an image is displayed (and therefore viewed) is in conformity with how the display has been calibrated.

In addition, Holub teaches in column 41, lines 36-41 that proofing is performed "once rendering devices are calibrated and such calibration is verified to the user", thus granting permission for a proofing operation contingent upon the verification of calibration. This is clearly a viewing condition that is specified by the computer since it is the computer that "performs verification of the calibration of the rendering device" (column 13, lines 52-54), thereby permitting proofing to take place.

Further, Holub teaches that application software operating on the system 100 enables a rendering device (clearly a viewing station since it includes a display) to be disqualified if it cannot adequately match a reproduction criterion or fails to have a verification of calibration (column 48, line 56 – column 49, line 4). This disqualification clearly constitutes a viewing

condition at the viewing station since an image cannot be viewed unless the viewing station remains qualified.

In summary therefore, there are al least four additional viewing conditions that are sent to a viewing stations by the computer in Holub:

1. the condition that images are viewed on the display in accordance with the rendering instructions sent by the computer, because it is according to these rendering instructions that the images are displayed;

2. the condition that images are viewed on a calibrated display, the calibration being implemented by the computer;

3. the condition that verification of the display's calibration has been sent to the user by the computer.; and.

4. the condition that the viewing station which would display the image has not been disqualified by the computer as being unable to adequately match reproduction criteria or having failed verification.

It is therefore clear that there is a viewing station (where the display resides) that receives the image from the computer (column 13, lines 34-36), and that also receives the viewing conditions from the computer. Furthermore, it is clear that the image is displayed at the viewing station subject to satisfaction of the viewing conditions at the viewing station because the fact that the image and the way in which the image appears on the display depends on rendering instructions that the viewing station has received and on the state of calibration of the display itself (additional viewing conditions 1 and 2). In addition, since a proofing operation is contingent upon the sending of calibration verification to the user (additional viewing condition

3), that verification is clearly a viewing condition that is necessary in order to perform a proofing operation. Also in order for a viewing station to be able to present an image for viewing it must remain qualified to do so (additional viewing condition 4).

In reference to claim 2, Holub also teaches that the viewing conditions comprise calibration information indicating a required calibration state of a display device associated with the viewing station (column 13, lines 48-53; column 49, line 56 – column 49, line 4)

In reference to claim 8, Holub teaches wherein the viewing station displays the image by converting image data from a first coordinate system to a second coordinate system and driving the display device according to the converted image data (column 20, lines 28-41).

In reference to claims 9 and 20, Holub discloses that the viewing station does not permit modification of the viewing conditions. See column 49, lines 1-4 and note that the viewing station itself cannot change its viewing condition of being disqualified since the disqualification has been made via a different station, a condition over which the station itself has no control.

In reference to claim 10, Holub teaches that the viewing station displays a notification (Figures 21A-21F ; GUI is displayed to the user) in the event any of the viewing conditions are modified by a user at the viewing station (See column 44, line 53-column 45, line 18; column 46, lines 1-10; column 46, lines 64-65 and column 48, lines 17-55 where the user is permitted to

modify rendering instructions, conduct calibration and verification, annotate images, remap hues, change gamut filters, etc using the GUI).

In reference to claim 11, see the rejection regarding claim 1 and note that Holub teaches receiving an image (column 13, lines 34-36) and viewing conditions from a computer (column 13, lines 38-40 and 48-53; rendering instructions, implementation and verification of calibration) and restricts display of an image according to the image data at the viewing station when the viewing conditions are not satisfied at the viewing station (column 48, line 54-column 49, line 5). Unless the viewing condition exists where the viewing station is properly calibrated and verified, viewing at the station is restricted since the station is not permitted to operate. In addition note that display of the image is inherently restricted unless the viewing conditions are satisfied because even if the image is being viewed at the rendering device, it's viewing is restricted to less than ideal viewing conditions since it is being displayed (and therefore viewed) on a device that is not ideally calibrated. For instance, note in column 49, lines 1-4 that the rendering device "cannot match the criterion closely enough", the criterion being, for example, the satisfying of a least common gamut with respect to which the control system strives to minimize a color error (column 48, Lines 61-66).

In reference to claim 12, see examiner's rejection of claim 2.

In reference to claim 18, see examiner's rejection of claim 8.

In reference to claim 21, see the rejection regarding claim 1 and note that Holub teaches a computer readable medium carrying program code (application software operating at the nodes; column 13, lines 27-29) that when executed at a viewing station results in receiving an image (column 13, lines 34-36) and viewing conditions for an image from a computer (column 13, lines 38-40 and 48-53; rendering instructions, implementation and verification of calibration) and restricts display of the image at the viewing station when the viewing conditions are not satisfied at the viewing station (column 48, line 54-column 49, line 5). Unless the viewing condition exists where the viewing station is properly calibrated and verified, viewing at the station is restricted since the station is not permitted to operate.

In reference to claim 26, see examiner's rejection of claim 8.

In reference to claim 27, see the rejection regarding claim 1 and note that Holub teaches a computer readable medium carrying program code (application software operating at the nodes; column 13, lines 27-29) that when executed results in receiving input at a computer specifying viewing conditions for the image (column 13, lines 38-40 and 48-53; rendering instructions, implementation and verification of calibration) and sends the image (column 13, lines 34-36) and the viewing conditions from the computer to the viewing station (column 13, lines 38-40 and 48-53) wherein the viewing station restricts display of then image unless the viewing conditions are satisfied at the viewing station (column 48, line 54-column 49, line 5). Unless the viewing condition exists where the viewing station is properly calibrated and verified, viewing at the station is restricted since the station is not permitted to operate. In addition note that the viewing

station inherently restricts display of the image unless the viewing conditions are satisfied because even if the image is being viewed at the rendering device, it's viewing is restricted to less than ideal viewing conditions since it is being displayed (and therefore viewed) on a device that is not ideally calibrated. For instance, note in column 49, lines 1-4 that the rendering device "cannot match the criterion closely enough", the criterion being for example the satisfying of a least common gamut with respect to which the control system strives to minimize a color error (column 48, Lines 61-66).

In reference to claim 28, Holub teaches wherein the program code when executed limits access to the viewing conditions at the viewing station such that a user at the viewing station cannot change the viewing conditions (column 49, lines 1-4; the user cannot change the less than ideal viewing conditions, and furthermore a disqualification of the given viewing station may be made by a different user, a condition over which the user at the given viewing station has no control.

In reference to claim 29, Holub teaches wherein the viewing conditions comprise calibration information indicating a required calibration state of a display device associated with the viewing station (column 48, line 56 – column 49, line 4).

In reference to claim 45, see the rejection of claim 19 and note that Holub teaches that the ability of a user to proof the image on a display device at the viewing station is restricted when the viewing conditions have not been satisfied thereat (see column 47, lines 17-19 where

proofing ability is clearly restricted in that proofing is not "useful" when verification of adequate

calibration is not possible; and column 49, lines 1-4 where failures of verification occur).

In reference to claims 46 and 47, Holub further teaches that the restricting comprises

restricting viewing of the image (See column 49, lines 1-4 where viewing of the image is clearly

restricted at viewing stations that are disqualified thus clearly restricting an ability to perform

any image annotations at those viewing stations).

In reference to claim 48, Holub further teaches that the viewing conditions comprise

calibration information ("verification") indicating a required calibration state of a display device

associated with the viewing station. (column 49, lines 1-4).

In reference to claim 55, Holub teaches further comprising a plurality of viewing stations

to receive the image and the viewing conditions and display the image subject the viewing

conditions being satisfied at the respective viewing stations (column 11, line 66 – column 12,

line 2; multiple nodes).

In reference to claims 56, 59, 61, 63 and 67, Holub teaches wherein the viewing

conditions specify a specific color profile, and wherein the viewing station satisfies the viewing

conditions by applying the specific color profile for preparation of the image (column 13, lines

30-35).

In reference to claims 57, 58, 60, 62, 64 and 68, Holub teaches wherein the viewing

conditions specify a specific cyan-magenta-yellow-black (CMYK) proof simulation, and wherein

the viewing station satisfies the viewing conditions by applying the specific CMYK proof

simulation (column 18, lines 35-40).

8.   Claims 54 and 73 are rejected under 35 USC 102(b) as being anticipated by McLaughlin

et al. (U.S. Patent No. 5,739,809).

In reference to claim 54, McLaughlin et al. disclose a computer that specifies one or more

viewing conditions (see column 5, lines 20-25 and note that the viewing conditions are those

characteristics including color parameters "of the image displayed" on a screen, these

characteristics being sent by computer 16C and under which images are displayed and therefore

viewed) of a set of images in a folder (column 6, lines 23-27; cache includes frames of data

selected for display) by setting the viewing conditions in a meta data file associated with the

folder (column 3, lines 33-39; column 15, line 57 – column 16, line 5) and sends the folder and

the viewing conditions, and a viewing station (display 16) that receives the folder and the

viewing conditions and displays one or more of the images in the folder subject to satisfaction of

the viewing conditions at the viewing station (column 5, lines 5-15).

In reference to claim 73, McLaughlin et al. disclose that the viewing conditions include

application of a specific color profile for preparation of the image (column 14, lines 60-61;

RGB).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 3-5, 13-15, 22-24, 32, 33, 36, 37, 65 and 66 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Holub in view of Harshbarger, Jr. et al. (US 2003/0001956).

In reference to claim 3, Although Holub teaches calibration information as a viewing

condition (i.e. calibration information - see rejection claim 1), Holub does not specifically

disclose that the calibration information specifies a maximum amount of time since a display

device at the viewing station was last calibrated. In column 9, lines 56-59 Holub does teach that

"the integrity of the data of the Virtual Proof is assured by continual calibration, verification and

recalibration" (these clearly being viewing conditions at the display of the viewing station as

discussed with regard to claim 1), and in Holub additional calibration information is sent to the

viewing station in the form of a command informing the station to measure rendered images

(column 13, lines 36-38), a step required as part of the calibration of the device (column 13, lines

31-34 and 48-51). Holub does not disclose specific timing for sending these commands and

therefore is silent as to whether this information specifies that a maximum amount of time has

occurred since the display at the viewing station was last calibrated. However, Harshbarger, Jr. et

al. teach testing a display at regular intervals (paragraph 0063) in order to determine the present

capability of the display (paragraph 0060) so as to provide confidence that image content is

accurate and is being properly displayed (paragraph 0006). The Harshbarger, Jr. et al. device

uses a timer (130) programmed to periodically generate a testing event (paragraph 0063) by sending a command to the display and/or its user (paragraph 0019). It is clear that this command specifies a maximum amount of time since the display was last calibrated because it indicates that a maximum amount of time allowed after the previous calibration has expired.

Providing in Holub the operation of Harshbarger, Jr. et al. would guarantee that its image content would remain accurate and properly displayed, as taught in Harshbarger, Jr. et al. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include in Holub the viewing condition of sending calibration information in the form of a command specifying that a maximum amount of time since a last calibration of the display has occurred and a new calibration is required in order that the image being displayed may be viewed properly, that is with a properly calibrated display.

In reference to claims 4 and 5, Holub discloses that the user can perform the calibration operation (column 46, lines 1-7) but is silent regarding automatically prompting the user to perform the calibration when the display device has not been calibrated within the maximum amount of time. However, such a prompting would have been obvious in view of the automatic prompting given to the user in Harshbarger, Jr. et al. as discussed with regard to claim 3.

In reference to claims 13-15, see examiner's rejections of claims 3-5

In reference to claim 22, see the rejection of claim 3 and note that Harshbarger, Jr. et al. further disclose program code that when executed restricts display of the image by suspending the display's operation unless it has been calibrated within the amount of time (paragraph 0056).

In reference to claims 23 and 24, see examiner's rejections of claims 4 and 5

In reference to claim 32, Holub teaches a computer readable medium (clearly present and associated with the computer; column 13, lines 24-25) storing an image file (column 13, lines 34-36) and viewing conditions for the image file (see column 13, lines 38-40 and the rejection of claim 1). In addition, Holub continually performs (calibration, verification and recalibration (column 9, lines 56-59) and in column 49, lines 1-4 teaches manually disqualifying a rendering device (including a display – column 12, lines 26-27) if there is a failure in verification, an operation that clearly restricts access to the image data of the image file at the viewing station. Holub does not specifically show that this restriction is performed by the image file itself. However Harshbarger, Jr. et al. disclose programming a computer that controls a display so as to automatically suspend the display of an image when a deterioration in performance of the display occurs (paragraph 0056). Providing for this in Holub would enable the disqualification to be performed automatically, clearly resulting in a more timely and reliable disqualification of the display since there would not have to be a reliance upon human intervention.. Such an operation would more quickly and accurately prevent a misinterpretation of the images displayed on the display, as taught by Harshbarger, Jr. et al. (paragraph 0056). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include in the image file

of Holub an instruction (as taught by Harshbarger, Jr. et al.) to automatically disqualify any

display that is determined by the calibration, verification and recalibration operation to be in a

deteriorated state of operation, in order to more quickly and accurately prevent a

misinterpretation of the images displayed on the display due to a defective display operation.

In reference to claim 33, see examiner's rejection of claim 2.

In reference to claim 36, note that the claim is hereby interpreted in conformity with the

limitations of claim 32, namely intending to recite that access to the image file is restricted when

viewing conditions are disabled, and access to the image file is not restricted when viewing

conditions are enabled. Holub and Harshbarger, Jr. et al. disclose that the image file includes

enabling data that can enable and disable the viewing conditions since the display is either

qualified or disqualified from operation depending upon whether or not calibration and

verification can be performed (see rejection of claim 32). Thus when viewing conditions have

not been satisfied (i.e. calibration cannot be verified) the image file of Holub and Harshbarger,

Jr. et al. clearly restricts access to the image data at the viewing station and the enabling data

clearly disables the viewing conditions since the display is disqualified from operation. On the

other hand, when viewing conditions have been satisfied (i.e. calibration can be verified) the

image file of Holub and Harshbarger, Jr. et al. clearly does not restrict access to the image data at

the viewing station and the enabling data clearly enables the viewing conditions since the display

is operational under this condition.

In reference to claim 37, Harshbarger et al. disclose that the system can be configured so that if a failure occurs only an administrator can change the viewing conditions (paragraph 0069). Applied to the combination of Holub and Harshbarger, Jr. et al. as discussed with regard to claim 32, under this configuration only an administrator can make the changes required to bring the display out of a disqualified state.

In reference to claim 65, Holub teaches wherein the viewing conditions specify a specific color profile, and wherein the viewing station satisfies the viewing conditions by applying the specific color profile for preparation of the image (column 13, lines 30-35).

In reference to claim 66, Holub teaches wherein the viewing conditions include application of a specific cyan-magenta-yellow-black (CMYK) proof simulation (column 18, lines 35-40).

11.   Claims 6, 16, 17, 25, 30 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holub in view of Flessland et al. (U.S. patent No. 6,667,803).

In reference to claim 6, Holub does not explicitly disclose that the viewing conditions sent from the computer to the viewing station comprise warm-up information that cause the viewing station to restrict display of the image when a display device of the viewing station has not been turned on for an amount of time. However Flessland et al. teach that for automatic calibration procedures for electronic equipment 14 (including a display; see Figure 1), the

equipment is not ready for calibration until it has warmed up (column 5, Lines 33-34). Since

calibration and the verification thereof are among the viewing conditions in Holub (see rejection

of claim 1) and are preformed automatically, it would have been obvious to one of ordinary skill

in the art at the time of the invention, in view of the teaching in Flessland et al., to include in

Holub the additional viewing condition of automatically sending calibration and operation

permission to the display only after an amount of time equivalent to a warm-up period, since it is

clear that a proper calibration, and therefore a proper display of an image, cannot be obtained on

the display until it and its associated electronics have warmed up. This notification to permit

calibration and image viewing would clearly be "warm-up information" since it informs the

viewing station that the required warm-up period has expired and therefore calibration is ready to

begin.

In reference to claim 16, Holub teaches displaying the image according to the image data

only when the viewing conditions have been satisfied (see rejection of claim 11), but does not

explicitly teach that additionally the viewing station has been turned on for an acceptable amount

of time. However Flessland et al. teach that for automatic calibration procedures for electronic

equipment 14 (including a display; see Figure 1), the equipment is not ready for calibration until

it has warmed up (column 5, Lines 33-34). Since calibration and the verification thereof are

among the viewing conditions in Holub (see rejection of claim 1) and are preformed

automatically, it would have been obvious to one of ordinary skill in the art at the time of the

invention, in view of the teaching in Flessland et al., to require in Holub that the image be

displayed only after an amount of time equivalent to a warm-up period, since it is clear that a

proper calibration, and therefore a proper display of an image, cannot be obtained on the display until it and its associated electronics have warmed up.

In reference to claim 17, see examiner's rejection of claim 6.

In reference to claim 25, see the rejection of claim 16 and note that the instruction restricting display clearly would be part of the software (program code) operating in Holub.

In reference to claim 30, see the rejection of claim 6 and note that the warm-up information contained in the notification to permit calibration and image viewing indicates a required amount of time that the display must be turned on because it indicates to the display that the required amount of time that the display must be turned on has expired since calibration and display is now beginning.

In reference to claim 49, see examiner's rejection of claim 6.

12. Claims 7, 31 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holub in view of Kelly et al. (U.S. Patent No. 6,628,329) and further in view of McLaughlin, et al. (U.S. Patent No, 5,739,809).

In reference to claims 7, 31 and 50, Holub does not teach that the viewing conditions include information specifying one or more sharpening techniques to be applied at the viewing

station. However it is well known in the art to display images under the viewing condition that they are sharpened by a sharpening filter as taught by Kelly et al. (column 7, lines 29-37). Sharpening images used for display increases the quality of the viewed image because they are compensated for losses in quality due to the system MTF and/or blur used in their creation (column 5, Lines 28-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide in Holub a viewing condition specifying that a sharpened image be viewed at the viewing station in order to increase the quality of the displayed image.

In Kelly et al. the sharpening technique is applied at a computer that sends the sharpened image to the display image, and therefore it is not taught that the sharpening technique is applied at the viewing station itself. However, McLaughlin et al. teach sending image processing techniques from a computer to a processor within a display so that the technique is applied at the display (column 5, lines 5-8 and 20-24), an arrangement that clearly would enable greater user control as desired over their application as suggested in column 5, lines 25-31. It would have been obvious to one of ordinary skill in the art at time of the invention to apply a sharpening technique as taught by Kelly et al. at the viewing station (as taught by McLaughlin et al.) in order to enable the user to apply the technique as desired and/or permitted.

13.   Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holub in view of Harshbarger, Jr. et al. and further in view of Flessland et al.

Holub in view of Harshbarger, Jr. et al. do not explicitly disclose that the viewing

conditions sent from the computer to the viewing station comprise warm-up information

indicating a required amount of time that a display device associated with the viewing station

must be turned on. However Flessland et al. teach that for automatic calibration procedures for

electronic equipment 14 (including a display; see Figure 1), the equipment is not ready for

calibration until it has warmed up (column 5, Lines 33-34). Since calibration and the verification

thereof are among the viewing conditions in Holub (see rejection of claim 1) and are preformed

automatically, it would have been obvious to one of ordinary skill in the art at the time of the

invention, in view of the teaching in Flessland et al., to include in Holub and Harshbarger, Jr. et

al. the additional viewing condition of automatically sending calibration and operation

permission to the display only after an amount of time equivalent to a warm-up period, since it is

clear that a proper calibration, and therefore a proper display of an image, cannot be obtained on

the display until it and its associated electronics have warmed up. This notification to permit

calibration and image viewing would clearly be "warm-up information" that indicates a required

amount of time that the display must be turned on because it indicates to the display that a

required amount of time that the display must be turned on has expired since calibration and

display is now beginning.

14.   Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holub in view of

Harshbarger, Jr. et al. and further in view of Kelly et al. and McLaughlin et al.

Holub and Harshbarger et al. do not teach that the viewing conditions include information

specifying one or more sharpening techniques to be applied at the viewing station. However it is

well known in the art to display images under the viewing condition that they are sharpened by a

sharpening filter as taught by Kelly et al. (column 7, lines 29-37). Sharpening images used for

display increases the quality of the viewed image because they are compensated for losses in

quality due to the system MTF and/or blur used in their creation (column 5, Lines 28-44). It

would have been obvious to one of ordinary skill in the art at the time of the invention to provide

in Holub and Harshbarger, Jr. et al. a viewing condition specifying that a sharpened image be

viewed at the viewing station in order to increase the quality of the displayed image.

In Kelly et al. the sharpening technique is applied at a computer that sends the sharpened

image to the display image, and therefore it is not taught that the sharpening technique is applied

at the viewing station itself. However, McLaughlin et al. teach sending image processing

techniques from a computer to a processor within a display so that the technique is applied at the

display (column 5, lines 5-8 and 20-24), an arrangement that clearly would enable greater user

control as desired over their application as suggested in column 5, lines 25-31). It would have

been obvious to one of ordinary skill in the art at time of the invention to apply a sharpening

technique as taught by Kelly et al. at the viewing station (as taught by McLaughlin et al.) in order

to enable the user to apply the technique as desired and/or permitted.

15.   Claims 38-40 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over

McLaughlin et al. in view of Flessland et al.

In reference to claim 38, McLaughlin et al. disclose turning on a display device at a

viewing station (column 5, lines 5-25; column 8, line 27 – "power on/off"), the viewing station

receiving from a computer both an image (Figure 1; column 5, lines 55-65) and viewing

conditions. For instance in column 5, lines 44-48 and column 8, lines 8-17 disclose that the

display receives input from the computer by which it is automatically calibrated and corrected so

that images can be viewed on a calibrated and corrected display. Therefore calibration and

correction of the display are clearly viewing conditions that have been received from the

computer since the way in which images are displayed and therefore viewed will be determined

thereby. McLaughlin et al. do not disclose that the viewing conditions include an acceptable

amount of time that the display device has been turned on, determining that amount of time, and

restricting viewing of the image when the display has not been turned on for the acceptable

amount of time. However Flessland et al. teach that for automatic calibration procedures for

electronic equipment 14 (including a display; see Figure 1), the equipment is not ready for

calibration until a determined amount of time has taken place for being warmed up (column 5,

Lines 33-34). Since calibration and the verification thereof are among the viewing conditions in

McLaughlin et al. and are performed automatically, it would have been obvious to one of

ordinary skill in the art at the time of the invention, in view of the teaching in Flessland et al., to

include in McLaughlin et al. the additional viewing condition of determining an amount of time

for warm-up and automatically sending calibration and operation permission to the display only

after that time had expired, since it is clear that a proper calibration, and therefore a proper

display of an image, cannot be obtained on the display until it and its associated electronics have warmed up.

In reference to claim 39, it is inherent in McLaughlin et al. that a user at the viewing station is informed when the image can be viewed by the presence of the image on the display.

In reference to claim 40, McLaughlin et al. in view of Flessland et al. disclose launching a calibration procedure at the viewing station only after the display device has been turned on for the acceptable amount of time (see the rejection of claim 38 and Flessland et al.; column 5, lines 53-54).

In reference to claim 43, see the rejection of claim 38 and note that the McLaughlin et al. device is computer operated using a programmed processor (column 5, lines 5-8) clearly implementing program code which is in a computer readable medium.

16.   Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al. in view of Holub.

McLaughlin et al. disclose a printing condition that includes CMYK (column 14, lines 51-58) but does not disclose a proof simulation of this characteristic. However. Holub teaches including application of a specific CMYK proof simulation in order to better simulate color reproduction on a printer (column 18, lines 34-40). It would have been obvious to one of

ordinary skill in the art at the time of the invention to provide in the McLaughlin et al. device

application of a specific CMYK proof simulation as a viewing condition in order to better

simulate color reproduction on the printer.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769.

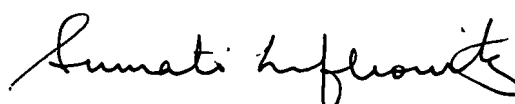The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Sue Lefkowitz can be reached on 571 272 3638. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Srilakshmi K Kumar
Examiner
Art Unit 2629

SKK
September 16, 2007

SUMATI LEFKOWITZ
SUPERVISORY PATENT EXAMINER